



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

Vol. 24

April 24, 2007

No. 15

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NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives approved **S.431**, pertaining to **ELECTRIC UTILITIES**, and enrolled the bill for ratification. The legislation enacts the “**BASE LOAD REVIEW ACT**” which establishes a procedure allowing an investor-owned electric utility to recover from ratepayers some of the costs associated with constructing a new large generating facility prior to the completion of the project. A base load plant covered by the legislation is a new coal or nuclear fueled electrical generating facility that is designed to be operated, at a capacity factor exceeding seventy percent annually, has a gross initial generation capacity of at least three hundred fifty megawatts, and is intended in whole or in part to serve retail customers of a utility in South Carolina. The legislation requires applications for the recovery of capital costs to be reviewed by the Public Service Commission. Following a satisfactory review, the commission is authorized to issue an order establishing that, if a plant is constructed in accordance with an approved construction schedule and approved capital costs estimates, the capital costs for construction of the plant are prudent utility costs and are properly recovered by the utility through revised rates. The legislation provides for review and compliance audits by the Public Service Commission Office of Regulatory Staff representing the public interest.

S.431 revises **SERVICE RIGHTS OF ELECTRIC SUPPLIERS**. The legislation establishes provisions for ‘corridor rights’ and other provisions to enhance predictability in the determination of which electric supplier has the right to provide service in a given area or location. The legislation establishes provisions specifying situations in which electric suppliers must obtain Public Service Commission approval for construction of facilities

S.431 also expands what is considered a fuel cost that a utility is authorized to recover from its ratepayers. The **EXPANDED DEFINITION OF FUEL COSTS** includes the cost of fuel transportation and costs associated with compliance with federal environmental requirements for reducing or treating emissions.

The House approved and enrolled for ratification **S.153**, a bill providing for the **RATIFICATION OF STATE CONSTITUTIONAL AMENDMENTS ON PROPERTY TAXES**. This bill ratifies amendments to the South Carolina Constitution approved by voters at the general election that authorize the General Assembly to determine the methods of valuation and assessment for taxation of real property.

The House approved and enrolled for ratification **S.156**, a bill providing for the **RATIFICATION OF THE CONSTITUTIONAL AMENDMENT PERTAINING TO SESSIONS OF THE GENERAL ASSEMBLY**. This proposed constitutional amendment received a favorable vote during the 2006 general election, and this legislation ratifies the constitutional amendment. The legislation provides that after the General Assembly convenes on the second Tuesday in January of each year that the Senate and the House of Representatives may recede for a period not to exceed 30 calendar days, unless extended by a two-thirds vote. The legislation further provides that each body may provide for meetings during the legislative session, as it considers appropriate. The legislation also permits organizational sessions of the Senate. The legislation deletes the section of the State Constitution, which provides that neither house, during the session

of the General Assembly, shall without the consent of the other adjourn for more than three days, nor adjourn to meet in another place.

The House approved and enrolled for ratification **S.451**. This bill revises provisions for **ATHLETIC FACILITIES REVENUE BONDS** for Clemson University and for the University of South Carolina so as to raise the outstanding debt limit for these bonds to two hundred million dollars.

The House approved and enrolled for ratification **S.498**, a bill designating the twenty-seventh day of February of each year as '**GENERAL FRANCIS MARION MEMORIAL DAY**' in honor of this South Carolina Revolutionary War hero.

The House appointed members to a conference committee to address differences with the Senate on **H.3199**, the "**ATM SAFETY ACT.**"

The House returned **S.355**, **DEPARTMENT OF TRANSPORTATION REFORM**, to the Senate with amendments. The amendment approved by the House replaces the Senate legislation with the Department of Transportation reform legislation approved by the full House in **H.3575**.

The House amended, approved, and sent to the Senate **H.3134**, relating to **GRANDPARENT VISITATION**. This bill allows family court to order visitation for the grandparent of a minor child if the court finds that the child's parents or guardians are depriving the grandparent of the opportunity to visit with the child and (a) the court finds by clear and convincing evidence that the child's parents or guardians are unfit, or (b) the court finds by clear and convincing evidence that there are compelling circumstances to overcome the presumption that the parental decision is in the child's best interest. This item does not apply to a family in which the parents and child or children reside in the same household. Attorney's fees and costs shall be awarded to the prevailing party.

The House amended, approved, and sent to the Senate **H.3466**, enacting the "**PUBLIC WATERS NUISANCE ABATEMENT ACT.**" The stated intent of this bill is to protect the waters of the State by authorizing the removal of nuisance structures from the public waters of the State in accordance with specified procedures and timetables. The bill allows the owners of structures to apply for a permit from the Department of Natural Resources (DNR) authorizing the owner to maintain his structure in its permitted location for five years. There is a fifty-dollar fee for the permit; permits are not allowed if the structure presents a hazard to navigation or encroaches upon private property. The permit may be revoked by DNR under certain circumstances. An unpermitted structure is declared to be a public nuisance. Reports of unpermitted structures must be made to the Attorney General, and the Attorney General is authorized to maintain an action for removal of the structure. The bill provides that magistrate's court shall have jurisdiction over these actions. The bill also includes criminal penalties for violations.

The House approved and sent to the Senate **H.3804**, a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO DUAL OFFICE HOLDING**. The State Constitution prohibits an individual from dual office holding. This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution so as to provide that the prohibition against holding two offices does not apply to commissioned law enforcement or correctional officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer.

The House approved and sent to the Senate **H.3286**. This bill provides for the use of **PLAIN LANGUAGE COMMUNICATIONS BY EACH STATE AND LOCAL EMERGENCY, FIRE, AND LAW ENFORCEMENT AGENCY**.

The House approved and sent to the Senate **H.3783**, a bill **REDUCING THE ALCOHOLIC BEVERAGE MANUFACTURER'S LICENSE FEE**. This bill revises biennial license taxes granted under the Alcoholic Beverage Control Act, so as to reduce the biennial fee for the manufacturer's license from fifty thousand dollars to one thousand dollars.

The House amended, approved, and sent to the Senate **H.3624**, a bill revising the definition of **NONALCOHOLIC BEVERAGES**. The legislation provides that the following are considered to be nonalcoholic and nonintoxicating beverages: (1) all beers, ales, porters, and other similar malt or fermented beverages containing not in excess of five percent of alcohol by weight; (2) all beers, ales, porters, and other similar malt of fermented beverages containing more than five percent but less than fourteen percent of alcohol by weight that are manufactured, distributed, or sold in containers of ten ounces or more or the metric equivalent; and (3) all wines containing not in excess of twenty-one percent of alcohol by volume.

The House amended, approved, and sent to the Senate **H.3605**, relating to the **ATTORNEY-CLIENT RELATIONSHIP**. If an attorney-client relationship exists between a lawyer and a fiduciary, this bill provides that communications between the lawyer and the fiduciary are subject to the attorney-client privilege unless waived by the fiduciary, even though fiduciary funds may be used to compensate the lawyer for legal services rendered to the fiduciary. The existence of a fiduciary relationship between a fiduciary and a beneficiary is not, or does not give rise to, a waiver of the privilege for communications between the lawyer and the fiduciary. A successor fiduciary is not entitled to disclosure of privileged communications between the lawyer and the predecessor fiduciary and is not entitled to waive the privilege between the lawyer and the predecessor fiduciary without prior written informed consent from the predecessor fiduciary.

The House approved and sent to the Senate **H.3317**, a bill that makes **CHANGES TO THE GIFT OF LIFE TRUST FUND AND ORGAN AND TISSUE DONOR REGISTRY**. The Gift of Life Trust Fund was formed in 1996 as an eleemosynary corporation to promote organ and tissue donation and education and assist transplant recipients. This bill changes the name of the Gift of Life Trust Fund to Donate Life South Carolina. Gift of Life recently became a partner with Donate Life America, a national organ and tissue donation promotion organization. The bill also establishes an organ and tissue donor registry to be administered by Donate Life South Carolina. The purpose of the registry is to facilitate anatomical donation and to evaluate the effectiveness of organ and tissue educational programs. Registry information is confidential and only may be accessed by a licensed or regulated organ or tissue procurement organization. LifePoint is the federally designated organ procurement organization and State designated tissue procurement organization in South Carolina.

The House amended Senate amendments on **H.3509**, the "**SOUTH CAROLINA LOCAL HOUSING TRUST FUND ENABLING ACT**," and returned the bill to the Senate.

The House amended, approved, and sent to the Senate H.3711. This bill redesignates the "Joint Municipal Water Systems Act" as the "**JOINT AUTHORITY WATER AND SEWER SYSTEMS ACT.**" The legislation provides for the appointment of members of a joint authority water and sewer system commission that may consist of no fewer than five and no more than eleven members. The legislation authorizes a joint system to enter a contract to sell water or provide sewer service.

The House amended, approved, and sent to the Senate H.3394, pertaining to **SPARTANBURG COMMUNITY COLLEGE**. This bill modifies the college commission's membership so as to provide for representation from Spartanburg, Cherokee and Union counties. The bill also creates the Spartanburg Community College Enterprise Campus Authority, charged to provide for the management, development, and operation of the real and personal property identified in the bill as the "Enterprise Campus." The commission serves as the governing board of the authority. The authority, with the approval of the State Budget and Control Board, would have the ability to respond to private sector initiatives and opportunities in a timely fashion and work in tandem with local and state economic development efforts.

The House amended, approved, and sent to the Senate H.3623. This bill updates various statutes by referencing the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY** and makes other technical revisions.

The House approved and sent to the Senate H.3239. This joint resolution authorizes the South Carolina Employment Security Commission to expend up to five hundred thousand dollars of the funds made available to the State under Section 903 of the Social Security Act for the purpose of acquiring land on which to erect an **EMPLOYMENT SECURITY COMMISSION ONE-STOP FACILITY IN SPARTANBURG COUNTY.**

The House tabled H.3136, which enacts the "**CERVICAL CANCER PREVENTION ACT.**"

The House recommitted H.3846 to the Labor, Commerce and Industry Committee. This bill contains legislation similar to the **ELECTRIC UTILITIES** provisions approved and enrolled for ratification in S.431.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full committee met on Tuesday, April 17, 2007.

H.3394, pertaining to **SPARTANBURG COMMUNITY COLLEGE**, received a favorable with amendment report. This bill modifies the college commission's membership so as to provide for representation from Spartanburg, Cherokee and Union counties. The bill also creates the Spartanburg Community College Enterprise Campus Authority, charged to provide for the management, development, and operation of the real and personal property identified in the bill as the "Enterprise Campus." The commission serves as the governing board of the authority. The authority, with the approval of the State Budget and Control Board, would have the ability to respond to private sector initiatives and opportunities in a timely fashion and work in tandem with local and state economic development efforts.

H.3254, which requires **ORIENTATION CLASSES FOR SCHOOLS THAT HAVE RECEIVED AN UNSATISFACTORY ABSOLUTE ACADEMIC PERFORMANCE RATING**, received a favorable with amendment recommendation from the full committee. Any year a school receives an unsatisfactory absolute academic performance rating, this bill provides that the school shall offer an orientation class for parents, focusing on: the value of education; academic assistance programs that are available at the school and in the community; student discipline; school policies; and other pertinent issues. Schools shall provide parents with written notification of the date and time of the meeting. Schools are encouraged to avoid transportation or scheduling difficulties for parents by offering the class at a convenient time and location. A parent or guardian of each student registered to attend the school shall attend the orientation class each year it is offered.

The full committee adjourned debate on **H.3039**, a bill that authorizes the **BOARDS OF TRUSTEES OF YORK COUNTY TO ESTABLISH THE OPENING DATE FOR SCHOOL** to begin.

JUDICIARY

The Judiciary Committee met on Tuesday, April 17, 2007.

While on the full committee printed agenda, **H.3496** has not been reported out of the Criminal Laws Subcommittee. This bill makes **COMPREHENSIVE REVISIONS PERTAINING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**.

H.3449, pertaining to **COUNTY BOARD OF REGISTRATION AND COUNTY COMMISSIONERS OF ELECTION**, received a favorable report. This bill requires the Governor to remove any member of these boards or commissions that has not fulfilled the training requirements.

H.3197, which makes **AMENDMENTS TO ELECTION LAWS**, received a favorable with amendment recommendation. As defined by South Carolina election law, the term "club district" means the territory of the general election voting place or precinct in which the political party club is formed, whether a ward or township or a subdivision. This legislation deletes the definition of the term "club district" as well as deletes references to this term from the election laws.

[H.3798](#) received a favorable with amendment report from the full committee. This bill authorizes the Chief of a Native American Indian tribe recognized by the South Carolina Commission for Minority Affairs to perform **MARRIAGE CEREMONIES**.

[H.3804](#), a **PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO DUAL OFFICE HOLDING**, received a favorable with amendment recommendation. The State Constitution prohibits an individual from dual office holding. This joint resolution proposes to submit to the voters at the next general election whether or not to amend the State Constitution so as to provide that the prohibition against holding two offices does not apply to commissioned law enforcement or correctional officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer.

The committee gave a favorable with amendment recommendation to [H.3346](#), which provides for **ACCESS TO CEMETERIES ON PRIVATE PROPERTY**. This bill provides that owners of property on which a cemetery or graves are located must allow ingress and egress to the cemetery by families of persons buried there, an agent who has written permission of family members or descendants, plot owners, and persons conducting genealogy. The bill authorizes the property owner to designate times and frequency of access. The property owner is immune from liability in any action arising out of granting such access. The bill also establishes a cause of action for denial of reasonable access. These provisions do not apply to a deed that creates or reserves a cemetery on private property.

The full committee gave a favorable with amendment recommendation to [H.3511](#), a bill pertaining to **DUAL OFFICE HOLDING**. The State Constitution prohibits a person from holding two offices of honor or profit at the same time. This bill provides that an officer in the militia, a notary public, a delegate to a constitutional convention, a law enforcement officer who holds a local office in a political subdivision other than the one in which he serves as a law enforcement officer, and a corrections officer who holds a local office in a political subdivision other than the one in which he serves as a corrections officer are not considered a dual officeholder for the purposes of the State Constitution.

The Judiciary Committee gave a favorable with amendment report to [H.3572](#), which enacts the "**TRAFFIC EDUCATION PROGRAM ACT**." This bill provides that each solicitor has the authority to establish as part of the Pretrial Intervention Program a program for persons who commit traffic-related offenses punishable by a fine or loss of four points or less. The program must include both a community service and an educational component. The South Carolina Commission on Prosecution Coordination shall oversee administrative procedures for the traffic education programs.

[H.3605](#), relating to the **ATTORNEY-CLIENT RELATIONSHIP**, received a favorable with amendment recommendation from the full committee. If an attorney-client relationship exists between a lawyer and a fiduciary, this bill provides that communications between the lawyer and the fiduciary are subject to the attorney-client privilege unless waived by the fiduciary, even though fiduciary funds may be used to compensate the lawyer for legal services rendered to the fiduciary. The existence of a fiduciary relationship between a fiduciary and a beneficiary is not, or does not give rise to, a waiver of the privilege for communications between the lawyer and the fiduciary. A successor fiduciary is not entitled to disclosure of privileged communications between the lawyer and the predecessor fiduciary and is not entitled to waive the privilege between the

lawyer and the predecessor fiduciary without prior written informed consent from the predecessor fiduciary.

The full committee gave a favorable with amendment report to **H.3623**. This bill updates various statutes by referencing the **SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY** and makes other technical revisions.

H.3547, relating to the **CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT**, received a favorable with amendment report. This bill clarifies the circumstances under which a perpetrator's name must be placed in the Central Registry of Child Abuse and Neglect maintained by the Department of Social Services. If the court finds that a perpetrator physically abused the child, sexually abused the child, severely neglected the child or repeatedly neglected the child, then this bill provides that perpetrator's name must be placed in the registry.

The following bills were recommitted to their respective subcommittees:

- **H.3274**, pertaining to the **UNLAWFUL PRACTICE OF LAW** (Constitutional Laws Subcommittee)
- **H.3781**, relating to **VOTING PRECINCTS IN RICHLAND COUNTY** (Election Laws Subcommittee)
- **H.3524**, **PROHIBITION ON THE USE OF CERTAIN SCAN-BACK OR SCAN-DOWN REBATES TO RETAILERS OF BEER, WINE, OR ALCOHOLIC LIQUORS** (General Laws Subcommittee)

The Judiciary Committee adjourned debate on the following:

- **H.3172**, relating to **ADOPTION BIRTH RECORDS**
- **H.3457**, pertaining to the **REVOCATION OR SUSPENSION OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE**
- **H.3565**, pertaining to **RESIDENTIAL REAL ESTATE TRANSACTIONS**

LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, April 17, and reported out several bills.

The committee gave a report of favorable with amendments on **H.3309**, a bill revising the Joint Municipal Electric Power and Energy Act by establishing new **TERMS UNDER WHICH A JOINT AGENCY MAY ACQUIRE AND OWN GENERATING FACILITIES**.

The legislation eliminates provisions that a joint agency be served by the electric supplier generally serving the area in which the members are located. The legislation adds to the criteria the Public Service Commission takes into consideration in determining whether it is beneficial for a joint agency to acquire generating resources exceeding a capacity of seventy-five megawatts or transmission resources with an operating voltage of one hundred twenty-five kilovolts or more. In determining whether

to approve such projects, the Public Service Commission is directed to consider the effect of the proposed acquisition on the ability of the joint agency to satisfy existing financial and contractual obligations that it may have incurred in the acquisition of any previously acquired projects.

The committee gave a favorable report on **H.3828**, a joint resolution creating a **STUDY COMMITTEE TO EXAMINE OFFSHORE NATURAL GAS EXPLORATION**. The joint resolution creates a State Government Study Committee to examine and report to the General Assembly on the feasibility of natural gas exploration in the Atlantic coastal waters of the State of South Carolina. The study committee is comprised of eighteen members to include:

- (1) six at-large members to be selected by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of Commerce, including one member designated by the:
 - (a) Speaker of the House of Representatives representing the state's agricultural industry;
 - (b) President Pro Tempore of the Senate representing the state's environmental interests;
 - (c) Secretary of Commerce representing the state's manufacturing industry;
 - (d) Speaker of the House of Representatives representing the state's coastal tourism interests;
 - (e) President Pro Tempore of the Senate representing the state's natural gas distributors; and
 - (f) Secretary of Commerce representing the state's economic development interests;
- (2) one member from each of the state's six United States Congressional Districts who must be selected by the members of the General Assembly representing each United States Congressional District;
- (3) one member from the House of Representatives Minority Party selected by the House Minority Leader;
- (4) one member from the Senate Minority Party selected by the Senate Minority Leader;
- (5) one member from the House of Representatives Majority Party selected by the House Majority Leader;
- (6) one member from the Senate Majority Party selected by the Senate Majority Leader; and
- (7) the Chairman of the House of Representatives Labor, Commerce and Industry Committee, or his designee, and the Chairman of the Senate Judiciary Committee, or his designee, shall serve as co-chairmen of the committee.

The committee shall use clerical and professional staff from the Department of Commerce and also may request the support of the professional and clerical staff of the standing committees of the House of Representatives and the Senate. In conducting its study, the committee shall consider comprehensive implications relating to energy, economic development, tourism, commercial and recreational fishing, the environment, agriculture, manufacturing, public safety, national security, employment, and possible impacts on state and local economies. The committee shall render its report and recommendations to the General Assembly before January 8, 2008, at which time it is dissolved.

The committee gave a report of favorable with amendments on **H.3722**, a bill **REVISING THE LICENSURE OF ENGINEERS AND SURVEYORS**. The legislation revises licensure criteria and phases out the associate professional engineer category that allows for restricted practice. The legislation establishes a system of staggered terms of service for members of the South Carolina State Board of Registration for Professional Engineers and Surveyors. The legislation provides that the board may waive all licensing and credentialing requirements under state law for the period of a declared public emergency. The board shall establish the conditions as may be appropriate to enable engineers properly licensed in other jurisdictions having like standards as those currently in effect in this State or jurisdictions that meet the NCEES Model Law standards to render services in the geographic areas identified in the order declaring the emergency.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee met on Tuesday, April 17, 2007.

S.518 received a favorable with amendment recommendation from the full committee. This bill requires the Department of Health and Environmental Control (DHEC) to approve and make available a video on the **DANGERS ASSOCIATED WITH SHAKING INFANTS AND YOUNG CHILDREN**. DHEC must make the video available at cost to every hospital, licensed childcare facility, and parent who adopts a child through the Department of Social Services. DHEC will be required to establish a protocol for health care providers to educate parents and primary caregivers about the dangers of shaking infants and young children. DHEC is instructed to request family practice and pediatric health care providers review these dangers with parents and primary caregivers of children up to age one at each well-child visit. Every hospital must make an approved video available and request both parents of every newborn baby to view it. Following the hospital's request, the parents are to sign a document stating they have been offered an opportunity to watch the video. In addition to making the video available, hospitals must make information available to parents about learning **INFANT CPR**. Also, the video presentation must be part of the initial and ongoing training of licensed childcare providers. The bill provides that there will be no civil, criminal or administrative cause of action or other liability against a health care facility or health care provider for any acts or omissions relating to compliance with the provisions of the act.

H.3631 received a favorable report. This bill amends the **NURSE PRACTICE ACT**. The revisions in this bill include the following:

- Allows the Board of Nursing to accept valid forms of identification other than a birth certificate or passport.
- Requires advanced practice registered nurses who are authorized to write prescriptions to include both state and federal drug registration numbers on the prescription form.
- Conforms the application requirement for a nurse from out-of-state to the Multi-State Nurse Compact licensure provisions. Allows a nurse who previously has held a valid license in another state to be licensed in this state.

- Allows the Board of Nursing discretion in issuing a license to a nurse who may have a minor disciplinary action pending in another state.
- Makes clear that a nurse seeking license reinstatement from lapsed or inactive status requires documented evidence of continuing education within the preceding two years.

The committee adjourned debate on **H.3632**, pertaining to **BACKGROUND CHECKS FOR NURSES**.

H.3721 received a favorable report. This bill defines the **PRACTICE OF SURGICAL TECHNOLOGY**, establishes qualifications for a person who practices surgical technology, and establishes requirements for health care facilities that employ surgical technologists. 'Surgical technology' means patient care that involves ensuring that surgical equipment is functioning properly and safely, preparing sterile supplies, instruments, and equipment using sterile technique, anticipating the needs of the surgical team, and as directed within the sterile field in an operating room setting, performing tasks including: (a) passing supplies, equipment, or instruments; (b) sponging or suctioning an operative site; (c) preparing and cutting suture materials; (d) transferring fluids or drugs; (e) holding retractors; and (f) assisting in counting sponges, needles, supplies, and instruments.

The bill provides that a person may not be employed as a surgical technologist in a health care facility unless he:

- Holds and maintains the Surgical Technologist Certification administered by the National Board of Surgical Technology and Surgical Assisting, or its successor;
- Has completed a surgical technology training program in the U.S. military or in the U.S. Public Health Service;
- Provides evidence he was employed to practice surgical technology in a health care facility in S.C. prior to January 1, 2008; or
- Is employed by the federal government as a surgical technologist.

The bill provides an exception if, after a diligent and thorough effort has been made, the health care facility is unable to employ a sufficient number of persons who meet the requirements of this section. The health care facility must have a written record of its efforts and retains the record at the health care facility.

Except for surgical technologists employed by the federal government, all surgical technologists must complete 15 hours of continuing education each year. A health care facility that employs a surgical technologist must verify he has met the continuing education requirements. A health care facility also must supervise each person employed to practice surgical technology according to the health care facility's policies and procedures.

The bill also provides that an operating room circulator in a health care facility must be a licensed registered nurse trained in perioperative nursing. The term, 'operating room circulator' is defined as a registered nurse trained in perioperative nursing who is responsible for coordinating the nursing care and safety needs of a patient in the operating room. A surgical technologist may not serve as the circulator in the operating room but he may assist in the performance of circulating duties: (1) consistent with the person's education, training, and experience; and 2) as assigned and supervised by a registered nurse circulator who must be present in the operating room for the duration of the surgical procedure.

The bill also makes clear that it does not prohibit a person licensed under another provision of law from performing surgical technology tasks or functions if the person is acting within the scope of his license.

H.3629 received a favorable report. This bill increases the fines for a person submitting false information to obtain a **LICENSE TO PRACTICE AS A FUNERAL DIRECTOR OR AN EMBALMER**. The bill requires that a person found guilty and convicted of this misdemeanor must pay not less than \$1,000 or more than \$5,000. The current fines are not less than \$500 or more than \$2,500.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.265 TEMPORARY CERTIFICATES OF BOAT NUMBER Sen. McGill

Among other things, this bill provides that a transferee shall utilize the temporary certificate of number on the application form as a temporary certificate of number to permit the use of watercraft while applications for certificates of number are processed. Temporary certificates of number apply to new and previously owned watercraft. A temporary certificate is valid for not more than sixty days from the date of purchase.

S.348 "ALL-TERRAIN VEHICLE SAFETY ACT" OR "CHANDLER'S LAW" Sen. Hutto

The legislation provides that it is unlawful for a parent or legal guardian to knowingly permit his child or ward six years of age or younger to operate an all-terrain vehicle (ATV).

A person fifteen years old or younger may not operate an ATV within this State unless the person possesses a safety certificate indicating successful completion of an ATV

safety course approved by the ATV Safety Institute. The legislation further provides that a person fifteen years of age or younger must wear a safety helmet and eye protection while operating an ATV.

The following restrictions apply to operation of an ATV on those lands open to the public:

- It is unlawful to operate an ATV except in compliance with the local regulations and restrictions.
- A person fifteen years of age or younger must be accompanied by an adult.
- It is unlawful to operate an ATV between one-half hour after sunset to one-half hour before sunrise unless it is equipped with operational headlights, and they are on.
- It is unlawful to cross an unbridged stream except at a designated ford or crossing. Riding in any water bodies or watercourses is unlawful.
- An ATV must have an effective muffler system in good working condition; a United States Department of Agriculture Forest Service approved spark arrester in good working condition, and a brake system in good operating condition.
- It is unlawful to operate an ATV while under the influence of alcohol or any controlled substance.
- It is unlawful to operate an ATV in a negligent or reckless manner.
- It is unlawful to operate an ATV in a manner that damages flora or fauna, roads, trails, firebreaks, signs, gates, guardrails, bridges, fencing, or other public property.

The legislation provides that ATVs are exempt from *ad valorem* personal property taxes beginning with calendar year 2007.

Violations of this legislation, unless otherwise specified, are misdemeanors punishable by a fine of not less than \$50 dollars nor more than \$200 dollars.

The legislation also provides for the titling of ATVs through the Department of Motor Vehicles.

EDUCATION AND PUBLIC WORKS

S.636 JASPER COUNTY BOARD OF EDUCATION Sen. Pinckney

This bill provides that the members of the board shall receive an annual salary and a per meeting expense allowance in an amount as determined by the board.

H.3888 INSTRUCTION METHODS IN SCHOOLS THAT HAVE RECEIVED AN "UNSATISFACTORY" ABSOLUTE ACADEMIC PERFORMANCE RATING Rep. Anthony

This bill provides that the governing body of a school district in which a school located therein has received an "unsatisfactory" absolute academic performance rating on its most recent school report card shall consider nontraditional methods of delivering instruction in those schools the following school year. This includes converting those schools to a year-round calendar in the manner it shall determine most beneficial.

H.3890 MOWING VEGETATION ALONG CERTAIN AREAS IN CLARENDON

COUNTY Rep. Harvin

This bill provides that the Town of Summerton may mow beyond 30 feet from the pavement roadside vegetation adjacent to the interchanges of Interstate Highway 95 and S14-102 (exit 108) in Clarendon County.

H.3897 PUBLIC FORUMS IN PUBLIC SCHOOLS Rep. Loftis

This bill provides that each public school shall provide a public forum, subject to reasonable time, place, and manner restrictions, where groups or organizations may meet and discuss certain issues of the communities in which they reside. The board of trustees of the school district may establish certain fees for the use of its school building facilities. Also, a group may be charged for any damages, and further use of the facilities may be denied.

H.3925 PROHIBITION ON THE USE OF TASERS TO SUBDUE CERTAIN STUDENTS Rep. Mack

This bill provides that it is unlawful to use a taser to subdue an elementary or middle school student on a school's campus. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned for not more than two years.

H.3926 RESTRICTIONS ON OPERATION OF A SCHOOL BUS Rep. Mack

This bill provides that it is unlawful for a school bus driver to operate a school bus while using a cellular telephone or another wireless communications device. A person violating this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year.

H.3941 ALTERNATIVE HOME SCHOOLING REQUIREMENTS Rep. Govan

Relating to alternative home schooling requirements if the instruction is conducted under the auspices of the South Carolina Association of Independent Home Schools, this bill provides for the reporting of certain information regarding a student attending a home school program. Relating to associations for home schools, this bill provides for the reporting of certain information regarding a student attending a home school program.

JUDICIARY

S.266 "SOUTH CAROLINA PRIORITY INVESTMENT ACT" Sen. Martin

Current law provides that a local comprehensive plan of local planning commissions must include certain elements. The bill provides definitions for several terms related to these comprehensive plans.

This bill amends the housing element requirement so as to require an analysis to ascertain unnecessary nonessential housing regulatory requirements that add to the cost of developing affordable housing but are not necessary to protect the public. The bill further provides that the housing element must include an analysis of market-based incentives that may be made available to encourage development of affordable housing.

The bill requires these comprehensive plans to include a transportation element that considers transportation facilities, including major road improvements, new road construction, transit projects, pedestrian and bicycle projects, and other elements of a

transportation network. This element must be developed in coordination with the land use element.

The bill also requires these comprehensive plans to include a priority investment element that analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next ten years and recommends the projects for expenditure of those funds during the next ten years for needed public infrastructure and facilities such as water, sewer, roads and schools. The recommendation of those projects for public expenditure must be done through cooperation with adjacent and relevant jurisdictions and agencies.

S.369 PROHIBITION ON SMOKING WHILE CERTAIN CHILDREN ARE IN THE MOTOR VEHICLE Sen. Jackson

The bill provides that it is unlawful for a driver or occupant of a private or public passenger motor vehicle to smoke a tobacco product while a child ten years of age or younger is in the motor vehicle; violations are a misdemeanor punishable by a fine of not more than \$100 dollars.

S.391 CORONERS Sen. Knotts

Among other things, this bill revises the manner in which vacancy in the office of the coroner is filled. The bill authorizes coroners to appoint investigators as well as deputies. The bill requires coroners or medical examiners to immediately request an autopsy if a child's death is unattended, and the autopsy must be performed as soon as possible by a pathologist with forensic training. Relating to the duties of the State Child Fatality Advisory Committee, this bill provides that the committee shall notify the county coroner or medical examiner about the review meeting and request that the county coroner or medical examiner attend the review meeting.

S.661 EXTENSION OF TIME FOR REPORT OF THE EMINENT DOMAIN STUDY COMMITTEE Sen. Gregory

This joint resolution provides that the time in which the Eminent Domain Study Committee shall submit its report be extended from April 17, 2007, to May 31, 2007, at which time the committee then shall be dissolved.

H.3898 911 SYSTEM REQUIREMENTS Rep. Haskins

This bill requires 911 systems to have the capacity to receive text messaging contacts.

H.3901 "INNOCENCE PROTECTION ACT" Rep. J.H. Neal

This bill provides that a person in custody after conviction may apply to the court for certain forensic DNA testing. The bill outlines the duties and responsibilities of a court upon receipt of an application for DNA testing and provides for preservation of biological material secured in connection with a criminal case for as long as the material may have probative value as evidence.

H.3903 CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS AND PROCEDURES Rep. J.H. Neal

Under this bill, reports of child abuse and neglect received by telephone must be recorded and maintained in accordance with procedures for other child abuse and neglect reports and records.

**H.3907 REVISIONS TO THE SOUTH CAROLINA EMPLOYMENT SECURITY
LAW Rep. J.H. Neal**

This bill provides for an alternative base period for certain claimants of benefits under the South Carolina Employment Security Law. The bill includes a definition for the term "alternative base period." When certain information is not available, the bill provides that the commission may base the determination for eligibility for unemployment insurance benefits on the affidavit of a claimant with respect to weeks and wages for certain calendar quarters.

**H.3916 ACTS PROHIBITED BY A CANDIDATE FOR JUDICIAL OFFICE
Rep. Thompson**

This bill provides that a candidate for judicial office shall not contact a member of the General Assembly directly until the qualifications of all candidates for a judicial office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly.

**H.3917 REVISIONS TO CRIMINAL SEXUAL CONDUCT WITH A MINOR
OFFENSES Rep. Cotty**

Relating to criminal sexual conduct with a minor, this bill provides that criminal sexual conduct in the first degree occurs when committed against a victim less than seventeen, rather than sixteen, when the actor previously has been convicted of, plead no contest to, or adjudicated delinquent for certain specified offenses. The bill increases the age of a victim from less than sixteen to less than seventeen when the actor is in a position of familial, custodial, or official authority to coerce the victim or is older than the victim. The bill further provides that certain persons may not be convicted of criminal sexual conduct with a minor in the second degree based on the age of the parties, and the bill removes mistake of age as a defense.

H.3927 DENIAL OF BOND Rep. F.N. Smith

Among other things, this bill provides for review by the circuit court when a magistrate denies bond under certain circumstances.

H.3934 "JUDICIAL ENHANCEMENT ACT" Rep. McLeod

This legislation makes comprehensive revisions to the judicial process. Highlights of the revisions include:

- Provides each county clerk of court will report certain information to court administration regarding indictments;
- Provides a procedure for the assignment of a single circuit court judge to complex civil actions;
- Empowers a family court judge to appoint a hearing officer to hear matters instituted in the family court;
- Provides factors for the family court to consider when determining attorney's fees;

- Relating to the schedule of fees and costs to be collected by magistrates, increases the fee in all civil actions, for issuing a summons and copy for the defendant, and for filing judgment with or without a hearing from forty-five dollars to one hundred twenty dollars;
- Relating to post-conviction relief procedures, revises the procedure for judicial review of post-conviction relief filings to include the issuance of a certificate of probable cause;
- Relating to the civil jurisdiction of magistrates courts, increases the civil jurisdiction from \$7,500 dollars to \$15,000 dollars;
- Relating to transfer of certain cases from general sessions court to magistrates court, deletes the existing provisions and provides that a case may be transferred to magistrates court if the penalty for the crime does not exceed one year or is a crime classified as a misdemeanor;
- Relating to service of a sentence by a person who commits a "no parole offense," allows the director of the Department of Corrections to further reduce an offender's sentence below the mandated eighty-five percent requirement down to seventy-five percent under certain circumstances.

H.3935 REVISION TO INDECENT EXPOSURE OFFENSE Rep. Rutherford

Relating to indecent exposure, this bill provides an exception for a person who conceals his person from view and has no intent to expose himself in a lewd or lascivious manner.

H.3936 REQUIREMENTS FOR REPORTING DEATHS OF VULNERABLE ADULTS Rep. White

This bill provides that all deaths involving a vulnerable adult in a facility, other than a nursing home, as defined in Section [44-7-130](#), contracted for operation by the Department of Mental Health, must be referred to the Vulnerable Adults Investigations Unit of the South Carolina Law Enforcement Division for investigation.

H.3939 CIVIL ENFORCEMENT OF CERTAIN TRAFFIC OFFENSES Rep. Scarborough

This bill provides for the civil enforcement of certain traffic laws by the use of traffic control signal monitoring devices.

LABOR, COMMERCE AND INDUSTRY

S.312 JOINT MUNICIPAL ELECTRIC POWER AND ENERGY ACT REVISIONS

Sen. Martin

This bill revises the Joint Municipal Electric Power and Energy Act by adding to the criteria the Public Service Commission takes into consideration in determining whether it is beneficial for a joint agency to acquire generating resources exceeding a capacity of seventy-five megawatts or transmission resources with an operating voltage of one hundred twenty-five kilovolts or more. In determining whether to approve such projects, the Public Service Commission is directed to consider the effect of the proposed

acquisition on the ability of the joint agency to satisfy existing financial and contractual obligations that it may have incurred in the acquisition of any previously acquired projects. The legislation eliminates the requirement that the acquisition of a project be by purchase from an electric supplier generally serving the area in which the members are located.

H.3889 BUILDING CODES ENFORCEMENT Rep. Pinson

This bill relating to revises the definition of a building codes enforcement officer. The legislation requires the South Carolina Building Codes Council to publish a list of registrants. The legislation provides that an uncertified person employed as a building codes enforcement officer must be granted provisional registration without examination and subject to additional requirements. The legislation revises provisions relating to the requirement of registration to practice as a building codes enforcement officer and penalties for a violation, so as to provide additional requirements and exceptions for an architect or engineer. The legislation revises provisions relating to the availability of injunctive relief against a violator, so as to provide that relief may be sought from the Administrative Law Court. The legislation revises provisions relating to applications for registration, so as to make conforming changes and to provide that registration authorizes a registrant to practice in a specific construction trade discipline. The legislation revises provisions relating to the duration of a certificate and continuing education requirements, so as to make conforming changes.

**H.3918 "INTERIOR DESIGN CONSUMER PROTECTION ACT"
Rep. Scarborough**

This bill enacts the "Interior Design Consumer Protection Act." The legislation requires a person rendering an interior design service to register with the Department of Labor, Licensing and Regulation; provides requirements for registration and renewal of registration; and further provides for the regulation of interior designers.

**H.3938 CONSUMER'S CREDIT CARD NUMBER NOT TO BE PRINTED ON
RECEIPT Rep. Haskins**

This bill provides that as of July 1, 2009, merchants and other persons honoring a credit card for the purchase or lease of goods or services must not include the consumer's credit card number on the printed receipt provided to the consumer.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

**S.481 ORGAN AND TISSUE DONATION PROGRAM WITHIN THE
DEPARTMENT OF CORRECTIONS Sen. Anderson**

This bill establishes an organ and tissue donation program within the Department of Corrections.

H.3892 PHARMACISTS ADMINISTERING VACCINES Rep. Edge

This bill establishes requirements for a pharmacist licensed in South Carolina to administer vaccines, including training requirements, policies and procedures for administering vaccines, recordkeeping requirements, and continuing education requirements.

H.3904 "SOUTH CAROLINA INCLUSIONARY ZONING ACT" Rep. J.H. Neal

This bill provides that counties and municipalities are empowered to use inclusionary zoning strategies to expand the availability of affordable housing. 'Inclusionary zoning' means a zoning regulation, requirement, or condition of development, imposed by ordinance or regulation, or pursuant to any special permit, special exception, or subdivision plan, that promotes the development of affordable dwelling units.

H.3905 HOSPITAL CHARGES FOR UNINSURED PATIENTS Rep. J.H. Neal

This bill prohibits hospitals from charging uninsured patients fees in excess of the maximum fees charged to insured patients for the same services.

H.3906 DENTAL LABORATORIES Rep. Witherspoon

This bill requires a dental laboratory that performs dental technological work outside of South Carolina to employ a person who is registered by the State Board of Dentistry to authorize such work based on the prescription of a dentist licensed in this State. The bill also requires the laboratory to provide information concerning the location in which the work was performed, and the laboratory must provide a list of the materials used in the work. Relating to work authorizations for dental technological work, this bill requires the invoice for a prescription to include the certificate number of the person employed by the laboratory which is to perform the work.

H.3912 PRACTICE OF MEDICINE Rep. White

Relating to the requirement to be licensed to practice medicine and to specify what is not to be construed as practicing medicine, this bill clarifies that a physician may delegate certain tasks to an unlicensed person if the physician is immediately available. A physician is not prohibited from practicing in consultation with a South Carolina physician concerning an opinion for the South Carolina physician in managing the case and treatment of a patient in this State. Relating to requirements for licensure to practice medicine, this bill provides that a physician who graduated from a school outside of the United States or Canada and who has been licensed for five years, rather than ten years, in another State, the physician is only required to document one year of post graduate residency training. The bill revises the time within which certain specialty education requirements must be undertaken in order to be substituted for required examinations. Relating to licensure as an expert medical witness, the bill provides that a physician who testifies in a proceeding in this State is deemed to have submitted to the jurisdiction of the board and to provide notice and investigation procedures for complaints received.

H.3940 MEDICAL RECORDS Rep. Vick

Relating to fees that may be charged for search and duplication of medical records, this bill conform certain sections to provide that no fee may be charged for duplication of records when a physician or health care provider, or an agent of a physician or health care provider, refers a patient to another physician or health care provider for continuation of treatment for a specific condition. The bill deletes a provision that provides that no fee may be charged at the request of a health care provider or to be sent to a health care provider at the request of a patient for continuing medical care. This bill provides that a physician or a health care provider, or an agent of a physician or health care provider may require advance payment or may charge a service fee for an account that is delinquent sixty days or more.

**H.3942 DEFINITIONS RELATED TO NARCOTICS AND CONTROLLED
SUBSTANCES Rep. Howard**

Relating to certain definitions related to narcotics and controlled substances, this bill defines a "blunt wrap" and adds the term "blunt wrap" to the items defining the term "paraphernalia".

WAYS AND MEANS

H.3896 TAX REVISIONS Rep. Kirsh

This bill revises fee in lieu of property taxes provisions, so as to allow an applicable piece of property to qualify for the annual fee in lieu of property taxes for an additional ten years by resolution of the county. The legislation extends the maximum time a project qualifies for a fee from thirty years to forty years. The legislation eliminate the requirements to qualify for a four percent assessment ratio that a sponsor must invest a total of three hundred million dollars when added to previous investments and that a sponsor must invest at least four hundred million dollars and create two hundred full-time jobs at a project. The legislation allows only a county to retain revenues from a fee in lieu of property taxes arrangement. The legislation allows the county to use these revenues to offset improvement costs. The legislation prohibits a direct payment of cash for a project either in or not in an industrial development park for specified amounts. The legislation revises provisions relating to industrial development parks, so as to eliminate the requirements to qualify for a four percent assessment ratio that a sponsor must invest a total of three hundred million dollars when added to previous investments and that a sponsor must invest at least four hundred million dollars and create two hundred full-time jobs at a project. The legislation clarifies provisions relating to income tax credits for using methane gas. The legislation clarifies provisions relating to sales tax exemptions for construction materials. The legislation revises provisions relating to property tax classifications for real property, so as to allow any warehousing or wholesale distribution real property to be exempt from the ten and one-half percent classification for manufacturing property.

**H.3899 PAID EMPLOYEE LEAVE FOR SCHOOL
CONFERENCES/ACTIVITIES**

OR VOLUNTEER TEACHING Rep. J.H. Neal

This bill provides that an employee may be granted by his employer a specified amount of additional paid leave each year for the purpose of attending certain elementary and secondary school conferences or activities during the employee's work hours or to engage in certain volunteer teaching activities in the schools. The legislation provides that the employers of these employees are entitled to a specified state income tax deduction for these activities.

**H.3900 STATE INCOME TAX CREDIT FOR SOLAR OR WIND ENERGY
SYSTEMS Rep. J.H. Neal**

This bill allow a state income tax credit equal to thirty percent of the cost to the taxpayer for the purchase and installation of a qualified solar or wind energy system on property in this State.

**H.3902 HISTORICALLY UNDERUTILIZED BUSINESSES IN PUBLIC
PROCUREMENT Rep. J.H. Neal**

Legislative Update, April 24, 2007

This bill revises provisions relating to surety bonding requirements for bidders on a public procurement contract, so as to define “historically underutilized business.” The legislation provides that the General Services Division of the State Budget and Control Board establish a program to provide technical assistance to a hub seeking a surety bond, and provides that the division may contract for the implementation of the program.

H.3922 RETIREMENT SYSTEM FOR JUDGES AND SOLICITORS

Rep. W.D. Smith

This bill revises retirement and retirement allowances for purposes of the Retirement System for Judges and Solicitors, so as to allow a member eligible to retire with the maximum retirement allowance equal to ninety percent of the current salary of a judge or solicitor to retire and receive this retirement allowance while continuing to serve. The legislation provides that employer and employee contributions must be paid as if that judge or solicitor were an active contributing member of the Retirement System for Judges and Solicitors.

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